

OCT 22 2003

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JEFFREY WINICK, on behalf of himself and
all others similarly situated,

Plaintiff,

and,

ROBERT F. SOWELL, on behalf of himself
and all others similarly situated; JOSEPH W.
SOWELL, on behalf of himself and all others
similarly situated,

Plaintiffs - Appellants,

v.

PACIFIC GATEWAY EXCHANGE, INC.;
HOWARD A. NECKOWITZ; FRED A.
WEISMILLER; SANDRA D. GREY;
RONALD D. ANDERSON; ROBERT F.
CRAVER,

Defendants - Appellees.

No. 02-16060

D.C. No. CV-00-01211-PJH

O R D E R

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, Magistrate Judge, Presiding

Argued and Submitted June 10, 2003
San Francisco, California

Before: SCHROEDER, Chief Judge, D.W. NELSON, and W. FLETCHER,
Circuit Judges.

Pursuant to the parties' Joint Motion filed on September 4, 2003, this court's Memorandum disposition filed August 15, 2003, is hereby withdrawn. This matter is remanded to the district court for further proceedings in accordance with the parties' agreement, as specified in the Joint Motion.